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LAW OF THE SEA
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Letter dated 21 June 1995 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

With reference to the letter of the Permanent Representative of Greece circulated as a document of the General Assembly and of the Security Council (A/50/216-S/1995/476), I have the honour, upon instructions of my Government, to bring to your attention a potentially serious situation with respect to the issue of territorial sea in the Aegean and to represent Turkey's position in this regard.

The Greek Parliament has recently ratified the 1982 Law of the Sea Convention. The statements of Greek government officials, as reported in the Greek press, and confirmed by the aforementioned letter, indicate that Greece intends to extend the breadth of its territorial sea in the Aegean from the present 6 miles to 12 miles. As stated by Greek officials, this decision will be taken at the appropriate time in accordance with the Greek "national strategy".

The issue of the maritime jurisdiction areas in the Aegean and the breadth of the territorial sea in this context is a serious matter that requires careful consideration. The elements involved should be considered in their proper

* A/50/50/Rev.1.

context based on facts and be put under objective analysis. It is regrettable that the Greek letter at reference represents an attempt to distort and misrepresent the well-known position of Turkey on this issue and the underlying legitimate reasons, in connection with the recent declaration adopted by the Turkish Grand National Assembly.

The purpose of this letter is to set the record straight in this regard.

Turkey and Greece have a number of bilateral disputes concerning the Aegean Sea. These differences essentially involve the status quo in the Aegean as determined by the relevant international treaties and instruments, particularly the 1923 Lausanne peace treaty.

Turkey attaches vital importance to the maintenance of the status quo in the Aegean with respect to maritime jurisdiction areas. In this context, the breadth of the territorial sea is the cardinal element of the delicate balance of rights and interests of the two neighbouring countries in the Aegean.

Turkey and Greece both have basic rights and legitimate interests in the Aegean involving their security, economy, navigation and other traditional uses of the high seas. The two countries have commonly used the Aegean for these purposes in accordance with international law. This has been one of the fundamental elements of the Aegean status quo.

The Greek perception laying claim to the whole of the Aegean Sea and its consistent attempts to alter the status in total disregard of Turkey's rights and interests lie at the heart of the bilateral disputes in the Aegean.

The Aegean is a narrow, semi-enclosed sea with the most peculiar geographical features. The special circumstances are unusual and exceptional. With its complex and singular structure, the Aegean is a unique sea. In view of this, the issue of the territorial sea may not be considered in isolation from the unique features of the Aegean.

Under the present 6-mile territorial sea limit of both countries, Greece, owing to the existence of numerous islands, possesses approximately 43.5 per cent of the Aegean. Turkey's share is 7.5 per cent. The remaining half of the Aegean is high seas, which is freely used by Turkey and the international community in accordance with international law.

Any extension of the Greek territorial sea beyond 6 miles will transform the Aegean virtually into a Greek lake. Greek sovereignty would be extended over the present high seas, the international airspace as well the continental shelf, which remains a disputed area yet to be delimited between Turkey and Greece.

Thus Turkey, with a long coastline in the Aegean measured in thousands of miles, will be locked out of this sea. The Turkish coasts will be encircled by Greek territorial waters and Turkey will be virtually cut off from the high seas.

The consequences of the extension of the Greek territorial sea, in essence, are not limited to the internationally recognized navigational rights and freedoms as has been presented by Greece.

As a result, almost all the Aegean Sea, with its seabed, superjacent waters and airspace, will automatically fall under Greek sovereignty and jurisdiction.

The Greek letter in reference conveniently remains silent on this score and instead refers to the right of "innocent passage" under international law, as if what is involved here solely concerned the right of navigation.

Greece cites article 3 of the 1982 Law of the Sea Convention as the basis of its right to extend its territorial sea. This argument has no valid basis.

In the first place, Turkey is not a party to the said Convention. Secondly, it may be worthwhile to recall that Turkey has consistently maintained its objection to a 12-mile limit for the breadth of the territorial sea in the context of semi-enclosed seas where special circumstances prevail. Therefore, it is obvious that the 12-mile limit could not be opposable to Turkey as a rule that acquired the character of customary law, in the special case of the Aegean. Thirdly, the 12-mile limit envisaged in article 3 is neither compulsory nor a limit to be applied automatically. It is a maximum permissible breadth that may be applied, as the circumstances permit, within the limitation imposed by the general principle of international law as embodied in article 300 of the Convention, namely the obligation to exercise rights in a manner that would not constitute an abuse of right.

In this context, it is worth recalling the recent statement made by Greek European Affairs Minister, George Mangakis, in connection with the ratification of the Law of the Sea Convention. The Athens News Agency bulletin of 1 June 1995 quoted Minister Mangakis as stating that "the Convention was truly of national importance, as it provided the country (Greece) with a weapon in the defence of its rights and national interests". The statement speaks for itself. This is incontestable proof of how Greece perceives the issue of territorial sea.

It was against this background that the Grand National Assembly of Turkey adopted the declaration in question. It was an expression of the legitimate concerns of Turkey in the face of Greek designs on the Aegean.

The Greek letter contains certain inappropriate references in depicting the respective policies and practices of Turkey and Greece. These assertions call for a brief and factual reply.

First, it is alleged that there have been other occasions of violation of international law by Turkey. It is an irony that Greece raises the issue of respect for international law. The Greek attitude and its reluctance in cooperation against terrorism; the illegal Greek claim for 10-mile airspace beyond its 6-mile territorial sea, which is not recognized by the international community; and the militarization of certain islands in the Aegean contrary to its contractual obligations under international treaties that placed these

islands under demilitarized status are outstanding examples of the ostensible Greek claim for respect for international law and legality.

It is also claimed that Greece has a peaceful posture in the Balkans in contrast to the alleged policy orientation of Turkey aimed at the deterioration of the political climate in the Balkan region.

The Greek contribution to peace and stability in the Balkans is manifested by the Greek stand in the ongoing Bosnian tragedy; by the imposition of the illegal embargo against the Republic of Macedonia; and by its hostile policy towards its two neighbours, Albania and Macedonia.

The letter of the Greek Permanent Representative repeats once again the unfounded allegation that Turkey has claims against the Greek islands. This is simply not true. Turkey harbours no designs or territorial ambitions against Greece or any of its neighbours.

Turkey is fully committed to the peaceful settlement of the whole range of disputes through dialogue and negotiations in a spirit of mutual understanding and accommodation. The two neighbours have a vast community of interests in defusing tensions and creating conditions that would ensure the development of friendship. Turkey still awaits a positive response of Greece to its repeated calls for charting such a new course in bilateral relations. This will not only serve the best interests of the two nations, but will also contribute to peace and stability in the region.

Greece, however, seems determined to pursue a different course. It is the declared intention of Greece to retain the threat of unilateral extension of territorial sea in the Aegean as a permanent and perpetual policy instrument in its relations with Turkey.

Turkey will not acquiesce in unilateral acts designed to upset the status quo in relation to maritime jurisdiction areas in the Aegean. Turkey is determined to protect fully its legitimate rights and interests in the face of a fait accompli in the Aegean. Turkey will be obliged to take all necessary measures, as required by the circumstances, for this purpose in the case of such a development.

It is our sincere hope that our neighbour Greece will refrain from pursuing an adventurous policy and realize the long-term benefits of achieving a lasting settlement of bilateral disputes and friendship and cooperation between Turkey and Greece.

I would like to request that this letter be circulated as a document of the General Assembly under items 39, 75 and 81 of the preliminary list, and of the Security Council.

(Signed) İnal BATU
Permanent Representative